

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 15, 2011

Lyle W. Cayce
Clerk

No. 10-50578
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALLEN ROBERT MILLER, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:10-CR-107-1

Before HIGGINBOTHAM, GARZA, and ELROD, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Allen Robert Miller, Jr., presents arguments that he concedes are foreclosed. *See United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001) (rejecting Commerce Clause-based challenge to 18 U.S.C. § 922(g)(1)); *United States v. De Leon*, 170 F.3d 494, 499 (5th Cir. 1999) (same); *United States v. Rawls*, 85 F.3d 240, 242 (5th Cir. 1996) (same). The Government's motion for summary affirmance is GRANTED, its

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 10-50578

alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.